

A 2 Cont

51. The shaft of claim 48 wherein said core has a middle portion and said at least one sheet rolled ply having metal-coated fibers is wound around said middle portion.

52. The shaft of claim 48 further comprising at least a second sheet rolled ply having metal-coated fibers formed around a second portion of said core separated along the length of said core from said at least one sheet rolled ply having metal-coated fibers.

REMARKS

A final office action on Applicant's parent application issued on August 8, 2001. While the present claims differ from the claims in the parent application, Applicant would like to address a few of the Examiner's remarks. For example, Applicant submits that the office action did not accord sufficient weight to the Declaration of Michael W. Perryman, and that the Examiner incorrectly cited several references.

As discussed in Mr. Perryman's Declaration, Applicant respectfully submits that the commercial embodiment of the present invention has achieved significant commercial success specifically due to the claimed features. As mentioned in the declaration, product sales of the present invention have grown at a rate of 20% per year despite a limited marketing budget and a flat to negative growth rate in the shaft market. (Declaration ¶9) By eliminating other potential reasons, the declaration provides evidence that the commercial success of the invention was directly fueled by the benefits of the claimed invention. Moreover, Applicant's products embodying the invention have gained significant industry publicity and recognition for solving a long-felt need. (Declaration ¶¶ 7, 8, 10 and 11) These facts are evidence that the present invention was not obvious to those of skill in the art.

As further discussed in the Declaration, the Examiner's citation to the Suzue patent, (U.S. Patent No. No. 6,088,947) is inappropriate. The Examiner cites the Suzue patent for the proposition that the claimed group of metals is known in the art. While at a general level the Suzue patent discusses golf clubs, it does not deal with the construction of filament or sheet wound composite shafts. Instead, Suzue teaches shrink-wrapping a decorative metal layer around the outside of a shaft. (Declaration ¶14) While the Suzue patent literally lists the claimed metals, there is no teaching or suggestion that the listed metals would function or operate with filament winding or sheet wrapping technology.

Merely because a group of metals is listed in one technology does not make it obvious that the same group of metals would work in other technologies. The shrink-wrapping of Suzue for a decorative layer is functionally and technologically distinct, and is simply not applicable to the filament winding and sheet wrapping of the present invention. Without some teaching that the Suzue reference is applicable, the Examiner's arguments cannot overcome the weight of the evidence in the Perryman Declaration.

In a separate example, the Examiner's arguments regarding Hoffmeyer overlook the language of the claims. The Examiner cites Hoffmeyer for the proposition that, "Hoffmeyer teaches use of *non-uniformly* concentrating windings of predetermined weight in a predetermined location 4." (emphasis added) However, the language of the claims expressly requires that the windings be *uniform*. Moreover, Hoffmeyer teaches the use of "bulge sections" on a shaft. Hoffmeyer does not teach or suggest a smooth area of concentrated weight which is an advantage of the claimed invention. (Declaration ¶ 16)

Applicant respectfully submits that pending claims are allowable and respectfully requests their approval. The Examiner is invited to contact the undersigned directly if it would be helpful to the advancement of this case.

Respectfully submitted,

By: 
Charles J. Meyer
Reg. No. 41,996
Woodard, Emhardt, Naughton,
Moriarty & McNett
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

USPTO STANARD FEE CHART